

### Remarks

Claims 1-33 were originally filed in this application. Claims 23-33 have been withdrawn from consideration as being drawn to a non-elected invention. Claims 1-22 remain in the application.

### The Specification

The Specification is amended to include the cross reference to related applications for the current application.

### The 35 USC §102 Rejections

Claims 1-12, 14 and 17-22 are rejected under 35 USC §102 (b) as being anticipated by Cote et al. (US Patent No. 5607593). This rejection is respectfully traversed and reconsideration is requested.

Claim 1, as amended, sets forth that the through-openings provide an even gas distribution for aerating the membranes within the membrane module. Such a gas distribution provides **evenly distributed air scouring** around the fiber bundles thus evenly reducing the accumulation of solids and inhibiting the blockage of fibers.

This is in contrast to the arrangement shown in Cote et al. Cote et al. shows a distribution network 15 having a pair of upstanding pipes which are spaced apart from the filtration modules 31 and a hood arrangement (see Fig. 9). Further, the ozone is distributed from the pipes “in the form of bubbles 11 in the **vicinity** of these modules.” (see Cote et al. column 12, lines 11-12 - **emphasis added**).

It is indicated in the Office Action that “The even distribution comes from the symmetric placement of the small through-holes shown at the ends of the ozone supply means 15 and the large through holes shown as lower open-worked zone 8.” (see Office Action page 11, lines 13-16).

It is submitted that the configuration shown in Cote et al. does not provide an even gas distribution as set forth in claim 1. At the outset, it can be seen from Fig. 9 of Cote et al. that the bubbles 11 which exit the distribution network 15 are not evenly distributed around the fiber bundles. It can also be seen from the Figures that the lower

open-worked zones 8a have an elongated shape through which several bubbles can flow through in the vertical direction. As such, the bubbles which flow through the elongated spaced-through openings will still not be evenly distributed in the vertical direction. Therefore, it is clear that no structure exists in Cote et al. that is adapted for maintaining an even distribution of the ozone that is emitted from the pipes of the distribution network 15 as set forth in claim 1. As such, it is believed that independent claim 1, and dependent claims 2-10, are not anticipated by Cote et al. Independent claim 11 includes subject matter similar to claim 1. Therefore, it is believed that claim 11 and dependent claims 12, 14 and 17-22 are also not anticipated.

### **The 35 §USC 103 Rejections**

Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Cote et al. (US Patent No. 5607593) as previously applied to claim 11 in view of Zha et al. (US Patent Pub. 20040217053A1). Claims 15 -16 are rejected under 35 USC 103(a) as being unpatentable over Cote et al. (US Patent No. 5607593) as previously applied to claim 11 in view of Watanabe (US Patent Pub. 20040045893A1). These rejections are respectfully traversed and reconsideration is requested.

Claim 11, as amended, sets forth that the through-openings provide an **even gas distribution** for aerating the membranes within the membrane module. Such a gas distribution provides evenly distributed air scouring around the fiber bundles thus evenly reducing the accumulation of solids and inhibiting the blockage of fibers.

Cote et al. does not disclose or suggest a structure that is adapted for maintaining an even distribution of the ozone that is emitted from the pipes of the distribution network 15. At the outset, it can be seen from Fig. 9 of Cote et al. that the bubbles 11 which exit the distribution network 15 are not evenly distributed around the fiber bundles. It can also be seen from the Figures that the lower open-worked zones 8a have an elongated shape through which several bubbles can flow through in the vertical direction. As such, the bubbles which flow through the elongated spaced-through openings will still not be evenly distributed in the vertical direction. Without such a structure, the bubbles 11 (see Fig. 9) are not evenly distributed around the fiber bundles as set forth in claim 11.

Therefore, Cote et al. does not suggest Applicant's inventive device. Absent such suggestion, there would be no reason why one of ordinary skill in the art, who was faced with the same problems confronting the Applicant and who had no prior knowledge of Applicant's claimed structure, would consult Cote et al. alone or in combination with another patent to overcome the problems set forth in the patent application. Claims 13, 15 and 16 depend from claim 11. As such, it is believed that claims 13, 15 and 16 are not obvious.

Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the applicant's attorney at (732) 321-3193 in order that any outstanding issues be resolved. The undersigned authorizes the charging of any fee deficiency that is due to Deposit Account No. 19-2179.

Respectfully submitted,

A handwritten signature in cursive script, reading "Pasquale Musacchio".

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